

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Gibson Connect, LLC)	WC Docket No. 09-197
)	
Petition for Designation as an)	
Eligible Telecommunications Carrier)	
Pursuant to Section 214(e)(6) of the)	
Communications Act of 1934)	

**SUPPLEMENT TO PETITION FOR
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION**

Pursuant to Section 214(e)(6) of the Communications Act of 1934 (“Act”), as amended, and Section 54.202 of the Commission’s Rules (“Rules”), Gibson Connect, LLC (“Gibson Connect” or “Petitioner”) respectfully submits this Supplement to its pending Petition for designation as a high-cost and/or low-income Eligible Telecommunications Carrier (“ETC”) in the State of Tennessee in all areas in which its parent company, Gibson Electric Membership Corporation (“Gibson EMC”),¹ through its participation in the Rural Electric Cooperative Consortium, has been allocated Connect America Fund (“CAF”) Phase II support as a winner of the CAF Phase II auction (“Auction 903”), as well as in certain additional service areas in Tennessee.²

¹ Gibson Connect is a wholly-owned direct subsidiary of Gibson EMC, a non-profit, member-owned electric cooperative formed in August 1936. Gibson EMC purchases electricity from the Tennessee Valley Authority ("TVA"). TVA delivers the electricity through its generation and transmission system to Gibson EMC's 16 substations. The voltage is lowered at Gibson EMC's substations and delivered to Gibson EMC's almost 39,000 meters over 3,500 miles of distribution lines in the following eight Tennessee counties: Crockett, Dyer, Gibson, Haywood, Lake, Obion, Madison and Weakley.

² This Supplement relates only to the winning bids in Tennessee assigned to Gibson Connect. On February 25, 2019, Gibson Connect obtained ETC designation from the Kentucky Public Service Commission throughout its winning CAF-II areas in the Commonwealth of Kentucky. *See In the Matter of Petition of Gibson Connect, LLC for Designation as an Eligible Telecommunications Carrier*, Order, Case No. 2018-00333 (granted Feb. 25, 2019).

The request for designation as an ETC was submitted by Gibson Connect to the Commission on September 27, 2018 (“Gibson Connect Petition” or “Petition”), in the above-captioned docket. This Supplement is being submitted for the purpose of providing additional information, and making additional certifications, concerning the provision of Lifeline-only service by Gibson Connect.

Gibson Connect requests the Commission to accept this Supplement to the Petition because, as explained in the following sections, Gibson Connect’s designation as a Lifeline-only ETC solely in the requested areas where Gibson Connect will not receive CAF-II support will enable the Petitioner to make available competitive low-income service offerings to Gibson Connect’s entire member base, allowing Gibson Connect to provide the same Lifeline benefits to all of its members—not just those who reside in Gibson Connect’s CAF-II winning areas.

1. Minimum Service Standards.

The Commission has adopted minimum service standards that must be met by fixed and mobile broadband service providers in order to receive Lifeline support.³ Gibson Connect will satisfy all the applicable standards adopted by the Commission, and will certify its compliance with these standards in accordance with the Commission’s rules.⁴

Specifically, Gibson Connect will comply with the minimum service standards for speed and data usage allowances that apply to fixed broadband services,⁵ as these standards are updated

³ See *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, 32 FCC Rcd 10476 (2017); 47 C.F.R. § 54.408.

⁴ 47 C.F.R. § 54.408(d)(4).

⁵ *Id.*, § 54.408(b)(1).

annually and published in a Public Notice issued by the Wireline Competition Bureau.⁶ In addition, Gibson Connect will ensure that all devices it provides to consumers in connection with its provision of broadband service will be Wi-Fi enabled.⁷

2. Consumer Protection and Service Quality Standards.

Gibson Connect will satisfy applicable consumer protection and service quality standards in accordance with Section 54.202(a)(3) of the Commission's Rules.⁸ Specifically, Gibson Connect will adhere to the following standards:

a. *Rates and Terms of Service.*—For each service plan offered to new members, Gibson Connect will disclose to consumers at point of sale and on its web site, at least the following information, as applicable: (1) any activation or initiation fee; (2) the monthly access fee or base charge; (3) the amount and nature of any voice or data allowances included in the plan; (4) the charges for domestic usage in excess of any included allowances; (5) whether there are prohibitions on data service usage and whether there are network management practices that will have a material impact on the member's data usage experience; (6) whether any additional taxes, fees, or surcharges apply; (7) the amount or range of any such fees or surcharges that are collected and retained by Gibson Connect; (8) the amount or nature of any late payment fee; (9) whether a fixed-term contract is required and its duration; (10) the amount and nature of any early termination fee that may apply; and (11) any trial period during which a consumer may cancel service without any early termination fee, as long as the consumer complies with any applicable policies.

⁶ *Id.*, § 54.408(c)(1).

⁷ *Id.*, § 54.408(f).

⁸ *Id.*, § 54.202(a)(3).

b. *Contract Terms.*—When a member initiates new service or a change in existing service, Gibson Connect will provide or confirm any new material terms and conditions of the ongoing service with the member.

c. *Specific Disclosures in Advertising.*—In advertising of prices for its service plans, Gibson Connect will disclose material charges and conditions related to the advertised prices and services, including if applicable and to the extent the advertising medium reasonably allows: (1) whether activation or initiation fees apply; (2) monthly access fees or base charges; (3) the amount and nature of any voice or data service allowances included in the plan; (4) the charges for any domestic usage in excess of any included allowances; (5) whether there are network management practices that will have a material impact on the member’s data experience; (6) whether any additional taxes, fees, or surcharges apply; (7) the amount or range of any such fees or surcharges that are collected and retained by Gibson Connect; (8) whether a fixed-term contract is required, and its duration; (9) early termination fees; and (10) whether prices or benefits apply only for a limited time or promotional period and, if so, whether any different fees or charges will apply for the remainder of the contract term.

d. *Identification of Charges and Taxes.*—On members’ bills, Gibson Connect will distinguish (1) monthly charges for service and features, and other charges collected and retained by Gibson Connect, from (2) taxes, fees, and other charges collected by Gibson Connect and remitted to federal, state, or local governments. Gibson Connect will not label cost recovery fees or charges as taxes.

e. *Right to Terminate Service.*—Gibson Connect will not modify the material terms of its members’ contracts in a manner that is materially adverse to those members without providing a

reasonable advance notice of a proposed modification and allowing those members a time period of not less than 14 days to cancel their contracts with no early termination fee.

f. *Access to Gibson Connect's Customer Service.*—Members will be provided a number to access Gibson Connect's customer service during normal business hours. Customer service contact information will be provided to members online and on billing statements. Gibson Connect will provide information about how members can contact Gibson Connect in writing, by telephone, via the Internet or otherwise with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to member inquiries, and on Gibson Connect's web site. Gibson Connect will also make such contact information available, upon request, to any member calling Gibson Connect's customer service department.

g. *Response to Inquiries and Complaints.*—Gibson Connect will respond in writing to state or federal administrative agencies within 30 days of receiving written consumer complaints from any such agency.

h. *Protecting Consumer Privacy.*—Gibson Connect will abide by a policy regarding the privacy of member information in accordance with applicable federal and state laws, and will make available to the public its privacy policy concerning information collected online.

i. *Free Notifications.*—Gibson Connect will provide, at no charge: (1) a notification to consumers of currently-offered and future service plans that include limited data allowances when consumers approach and exceed their allowance for data usage and will incur overage charges; and (2) if applicable, a notification to consumers of voice plans that include limited voice allowances when consumers approach and exceed their allowance for those services and will incur overage charges.

3. Financial and Technical Capability to Provide Lifeline Service.

Gibson Connect possesses the financial and technical capabilities to pay for all start-up expenses (*e.g.*, construction, hardware, operations, *etc.*) to get its fiber optic network built and to begin the provision of voice and broadband services to Lifeline members in those portions of its ETC service area for which Gibson Connect will not receive any CAF-II support in Auction 903.

Gibson Connect will be able to obtain the requisite amount of lending under its existing lines of credit and Gibson Connect will be able to obtain additional financing, in addition to the CAF-II support being made available pursuant to Auction 903.

4. Gibson Connect Will Advertise the Availability of Its Low-Income Offerings and Charges for Such Offerings Using Media of General Distribution.

Gibson Connect will advertise the availability of, and charges for, its Lifeline service offerings using media of general distribution, and will undertake outreach initiatives to increase consumer awareness of Gibson Connect's Lifeline service offering, consistent with all applicable requirements.⁹

Gibson Connect also commits to explain in clear, easily understood language in marketing materials used to describe the service: (1) that the offerings are Lifeline-supported services; (2) that only eligible consumers may enroll in the program; (3) the documentation that is necessary for enrollment; (4) that the program is limited to one benefit per household consisting of either wireline or wireless service; (5) that Lifeline is a government benefit program; (6) that consumers who are existing Lifeline customers of another carrier can only become a Lifeline customer of Gibson Connect if they notify their existing Lifeline carrier provider that such consumer is discontinuing their existing Lifeline service; and (7) that consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment and can be barred from the

⁹ See *id.*, §§ 54.401-54.423, 54.405(b).

program. For purposes of this commitment, to the extent required by the Commission’s rules, “the term ‘materials describing the service’ includes all print, audio, video, and web materials used to describe or enroll in the Lifeline service offering, including application and certification forms.”¹⁰

5. Additional Steps to Prevent Waste, Fraud, and Abuse.

In its *Lifeline Reform Order*¹¹ the Commission adopted comprehensive reforms to the low-income program to revise and modernize the Lifeline service requirements and implement measures to address waste, fraud, and abuse within the system. Gibson Connect will implement the necessary internal controls and processes to ensure compliance with the Commission’s final rules and any subsequent orders, including the following:

a. Policy.—Gibson Connect will comply with the minimum federal certification and verification requirements for Lifeline eligibility and any additional requirements established by the state(s) where it is designated as an ETC.

b. Detailed Member Enrollment Process.—Gibson Connect will establish a uniform process for the enrollment of subscribers, in those portions of its ETC service area for which Gibson Connect will not receive any CAF-II support in Auction 903, who elect Gibson Connect’s Lifeline offering and qualify for Lifeline support. By doing so, Gibson Connect will ensure that its enrollment and verification practices meet the needs of all members, in a variety of situations, while recognizing that it must maintain strict compliance with all applicable requirements.

Gibson Connect will establish a process to prevent waste, fraud, and abuse of the universal service system. To safeguard against misuse of the Lifeline service plan, Gibson Connect will collect initial and annual certifications, and will establish safeguards to prohibit more than one

¹⁰ *Id.*, § 54.405(c).

¹¹ *Lifeline and Link Up Reform and Modernization et al.*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656 (2012) (“*Lifeline Reform Order*”).

supported service for each household. Gibson Connect proposes the following plan to implement these certification and verification requirements:

(1) Certification Procedures.—To ensure that it provides Lifeline service only to eligible consumers, Gibson Connect will sell Lifeline service only through in-person sales, which are staffed by its own employees. Gibson Connect will ensure that its certification procedures are thorough, effective, and compliant with Commission requirements. Specific information will be made available to educate consumers about the one per household and other applicable rules.

At all locations where members can sign up for Gibson Connect’s Lifeline service, Gibson Connect will make available information regarding the program, including the limit of one Lifeline subsidy per household. Gibson Connect will also undertake to check all new subscribers against the National Lifeline Accountability Database (“NLAD”) and the Lifeline National Verifier.

Gibson Connect will provide thorough initial and ongoing training in the Lifeline rules to all of its staff who are responsible for the processing of consumers’ applications and reviewing eligibility documentation. Gibson Connect will ensure that all required documentation is properly reviewed by using compliance checklists.

As required by the Commission, Gibson Connect will utilize and rely upon FCC Form 5629, the Universal Service Administrative Company’s (“USAC’s”) disclosure and application form,¹² for purposes of determining an applicant’s eligibility and qualifications for Lifeline service.

¹² See FCC Form 5629 (Lifeline Program Application Form), available at https://www.usac.org/_res/documents/li/pdf/nv/LI_Application_UniversalForm.pdf. Form 5629 is a non-National Verifier form required in all states and territories as of July 1, 2018, “regardless of whether the National Verifier has been rolled out in that state or territory”. *Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program*, WC Docket No. 11-42, Public Notice, DA 18-161 (Feb. 20, 2018).

Prior to initiating Lifeline service for a member, Gibson Connect staff will check the name and address of each Lifeline applicant (and the personal information required for verification) against the NLAD database, and the National Verifier database, to determine whether they are associated with a member who already receives Lifeline-supported service. If the Lifeline applicant or address is listed as a duplicate, the applicant will be required to complete the certification developed by USAC to show that the applicant lives at a multiple-household address.

(2) Verification Procedures.—As required by Commission rules, Gibson Connect will require every consumer enrolled in the Lifeline program to verify on an annual basis that they receive Lifeline service from only one ETC. Gibson Connect will assist consumers in understanding this key Lifeline requirement by explaining that consumers potentially could be receiving Lifeline benefits through various types of providers.

In compliance with Section 54.410(f) of the Commission’s Rules,¹³ Gibson Connect will re-certify all subscribers 12 months after the subscriber’s service initiation date and every 12 months thereafter. Gibson Connect will undertake this re-certification by querying appropriate eligibility and income databases.¹⁴ Gibson Connect will use FCC Form 5630¹⁵ to re-certify qualifying low-income consumers.¹⁶

¹³ 47 C.F.R. § 54.410(f).

¹⁴ *Id.*, §§ 54.410(f)(2)(i), 54.410(f)(2)(ii).

¹⁵ See FCC Form 5630 (Lifeline Program Annual Recertification Form), available at https://www.usac.org/res/documents/li/pdf/nv/LI_Recertification_UniversalForms.pdf.

¹⁶ See 47 C.F.R. § 54.410(f)(2)(iii).

Gibson Connect will advise its Lifeline subscribers that a subscriber's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits.¹⁷ Gibson Connect will report annually on its verification and re-verification procedures as required by Section 54.416 of the Commission's Rules.¹⁸

(3) Member Education with Respect to Duplicates.—To supplement its verification and certification procedures and to better ensure that members understand the Lifeline service restrictions with respect to duplicates, Gibson Connect will ensure that its marketing and advertising also help to prevent duplicate Lifeline benefits being awarded to the same household.

(a) Marketing, Advertising and Website Content.—Gibson Connect, in its marketing materials, will reinforce the limitation of one Lifeline phone per household.

(b) Other Marketing Requirements.—In addition to reminding consumers of the one-per-household rule, Gibson Connect will comply with the other marketing requirements established by the Commission, as applicable, and will explain in its marketing materials used to describe the service that the offerings are Lifeline-supported services, only eligible consumers may enroll, Lifeline is a government benefit program, and other required information. These statements will also appear on Gibson Connect's website.

As the processes discussed above demonstrate, Gibson Connect is committed to taking strong steps to protect against waste, fraud, and abuse within the Lifeline universal service system.

6. Gibson Connect Will Enable Low-Income Consumers to Benefit from the Lifeline Discount.

Following its designation as an ETC, Gibson Connect will make available to qualified low-income consumers a discounted, facilities-based service offering that meets all applicable Lifeline

¹⁷ *Id.* §§ 54.405(a)(4), 410(d)(3)(viii).

¹⁸ *Id.*, § 54.416.

requirements. Gibson Connect will allow its Lifeline customers to apply the \$9.25 federal Lifeline discount to any service plan offered by Gibson Connect.

7. Designating Gibson Connect As an ETC Authorized to Receive Lifeline Support Is in the Public Interest.

Granting Gibson Connect’s Petition, as complemented by this Supplement, will serve the communications needs of consumers in the areas of Tennessee served by Gibson Connect. The Petitioner plans to make available to low-income consumers in Tennessee a new, more affordable service offering that meets their basic and advanced communications needs.

Designating Gibson Connect as an ETC, as requested, with the responsibility to provide Lifeline service to low-income consumers, will bring important public interest benefits.

A principal benefit of accepting this Supplement is that Gibson Connect’s designation as a Lifeline-only ETC – solely in the requested areas where Gibson Connect will not receive CAF-II support – will enable the Petitioner to make available competitive low-income service offerings to Gibson Connect’s entire member base, allowing Gibson Connect to provide the same Lifeline benefits to all of its members—not just those who reside in Gibson Connect’s CAF-II winning areas.

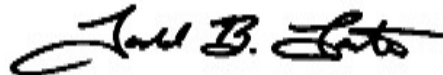
Grant of ETC designation to Gibson Connect will allow a facilities-based service provider to enter the Lifeline market in the rural areas of Tennessee served by Gibson Connect and its parent cooperative, Gibson EMC. The benefits to low-income consumers will be significant and include: (1) greater customer choice; (2) a new, facilities-based Lifeline service offering with competitive pricing, services, and features; (3) continued contribution to the economy through Gibson Connect’s facilities and employment; and (4) access to high-quality voice and broadband services.

* * * * *

For all the foregoing reasons, Gibson Connect respectfully requests that the Commission accept this Supplement to the Gibson Connect Petition, and designate it as a high-cost and/or low-income ETC, as requested in its Petition, so that Gibson Connect will be eligible to receive CAF-II support won via Auction 903, enabling it to provide Lifeline services to consumers within its CAF-II winning areas who are qualified to receive Lifeline benefits, as well as to provide Lifeline benefits to its members, residing within in those portions of Gibson Connect's proposed Lifeline-only ETC designation area where Gibson Connect will not receive any CAF-II support in Auction 903, who are similarly qualified to receive Lifeline benefits.

Respectfully submitted,

Gibson Connect, LLC



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